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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,147	05/30/2001	Toshiaki Tsuboi	10746/26	8853
26646 7590 07/16/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER PASS, NATALIE	
			ART UNIT 3626	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/870,147

Applicant(s)

TSUBOI ET AL.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8 June 2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 April 2007 has been entered. The IDS filed on 8 June 2007 has been entered and considered.

2. This communication is in response to the Request for Continued Examination and amendment filed 20 April 2007. Claims 1, 9 and 17 have been amended. Claims 1-17 remain pending

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 9-11, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecher, U.S. Patent Number 5, 207, 580 for substantially the same reasons given in the previous Office Action (paper number 20061109) and further in view of Joao, U.S. Patent Application Publication Number 2001/0032099. Further reasons appear hereinbelow.

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(A) Claims 1, 9, and 17 have been amended to recite

- “a target lifestyle, a level of readiness for change” in lines 5, 9-10, and 8-9, respectively; and
- “standardized health promotion information corresponding to said level of readiness for change and corresponding to said standardized health promotion timing, and a promotion means corresponding to said standardized health promotion information” in lines 6-9, 11-13, and 10-12, respectively.

As per newly amended claim 17, Strecher teaches a method of supporting health promotion for preventing diseases caused by lifestyles and for promoting and maintaining health by using a health promotion practitioner support apparatus, said method comprising

a “collecting” or “gathering” (reads on “obtaining”) operation of obtaining data on lifestyles (Strecher; column 2, lines 12-30) and a level of readiness for change of a client (Strecher; column 4, lines 22-26); Examiner interprets Strecher’s teachings of “[d]uring the preparation phase, motives cited by the user are also analyzed and incorporated into the algorithm, which provides instructions intended to internalize motives for changing” as teaching obtaining data on a level of readiness for change of a client;

obtaining a scenario which includes “increased longevity or enhancement of quality of life” and “a specific behavior change goal” (reads on “a target lifestyle”) (Strecher; column 2, lines 25-52), “motives to changing the health related behavior” (reads on “a level of readiness for change”) (Strecher; column 2, lines 45-52, column 4, lines 22-26), standardized health promotion timing standardized health promotion information corresponding to said level of readiness for change and corresponding to said standardized health promotion timing (Strecher; column 2,

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lines 54-62); Examiner interprets Strecher's teachings of "[u]sing these data, the computer algorithm produces ... [...] ... single month calendar sheets or a series of date book pages ... [...] ... preferably include at least the months relevant to the health-related behavior change phases of the user. These calendar or date book sheets can be provided to the user at the same time or sequentially over the actual months of the year" to teach a form of "standardized health promotion timing standardized health promotion information corresponding to said level of readiness for change and corresponding to said standardized health promotion timing," and "specific instructions and advice ... [...] ... health-related behavior" (reads on "a promotion means corresponding to said standardized health promotion information" (Strecher; column 2, line 63 to column 3, line 4);

a preparing operation of preparing a health promotion schedule of said client using said scenarios that are read from said storing part in said reading operation and said data that is obtained in said obtaining operation, and outputting said health promotion schedule (Strecher; column 3, lines 5-12, column 3, line 61 to column 4, line 3); and

an outputting operation of outputting health promotion information for said client according to operation to said health promotion schedule (Strecher; Figure 1, Figure 5, column 2, line 63 to column 3, line 12, column 3, line 61 to column 4, line 3); Examiner interprets Strecher's teachings of "[u]sing these data, the computer algorithm produces ... [...] ... single month calendar sheets or a series of date book pages ... [...] ... preferably include at least the months relevant to the health-related behavior change phases of the user. These calendar or date book sheets can be provided to the user at the same time or sequentially over the actual months of the year" and Strecher's teachings of "the monthly calendar or date book sheets contain

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specific instructions and advice associated with the history and patterns of the existing health-related behavior, motives to changing the health related behavior, the behavior change goal set, the specified dates for beginning the change, the phases of change, and barriers to changing the health-related behavior” (Strecher; column 2, line 63 to column 3, line 4) as teaching a form of an outputting operation of outputting health promotion information for said client according to operation to said health promotion schedule.

Although Strecher teaches “the invention uses health risk and psychosocial information collected from the user of the process. This information is then preferably entered into a computer algorithm that uses the information to create tailored behavior change and adherence feedback” and “using these data,” (reads on “a reading operation of reading a scenario from a storing part of the health practitioner support apparatus”) (Strecher; column 2, lines 40-57), Strecher fails to explicitly disclose

wherein said storing part stores scenarios each of which is standardized.

However, the above features are well-known in the art, as evidenced by Joao.

In particular, Joao teaches a method

wherein said storing part stores scenarios each of which is standardized (Joao; Figure 15A, Item 1505, paragraphs [0049], [0310], page 28, claim 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Strecher to include these limitations, as taught by Joao, with the motivations of providing a “method for processing and/or for providing healthcare information and/or healthcare-related information” such that “information will be provided, in a

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uniform manner, to a next or different provider ... [and will] ... be uniformly distributed and/or be available to providers at the point of treatment ...” (Joao; paragraph [0002]), [0005]).

(B) Amended apparatus claim 1 repeats the subject matter of claim 17, respectively, as a set of elements rather than a series of steps. As the underlying processes of amended claim 17 have been shown to be obvious in view of the combined teachings of Strecher and Joao in the above rejections of claim 17, it is readily apparent that the system disclosed by Strecher and Joao includes the apparatus to perform these functions. As such, these limitations are rejected of the same reasons given above for method claim 17, and incorporated herein.

(C) Amended claim 9 differs from method claim 17 by reciting a “computer readable medium storing program code...” in the preamble and “program code” recited in a “means plus function” format in the limitations. As per these limitations, Strecher clearly discloses his invention to be implemented on a computer readable medium storing program code (Strecher; column 4, lines 58-60, column 5, lines 24-29). The remainder of amended claim 9 repeats the limitations of claim 17, and is therefore rejected for the same reasons given above for claim 17.

The motivations for combining the respective teachings of Strecher and Joao are as given in the rejection of claim 17 above, and incorporated herein.

(D) As per claims 2, 10, Strecher and Joao teach an apparatus and medium as analyzed and discussed in claims 1 and 9 above,

said part and said program code means for obtaining data comprising: a part and program code means for outputting information used for interviewing said client (Strecher; column 2, lines 39-57); and

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a part and program code means for receiving responses of said client (Strecher; column 2, lines 24-29).

(E) As per claims 7, 15, Strecher and Joao teach an apparatus and medium as analyzed and discussed in claims 1 and 9 above

further comprising: a part storing plurality of kinds of health promotion information, said plurality of kinds of health promotion information including interview health promotion information, telephone health promotion information, and documents to be “provided to the user” (reads on “sent physically or by electronic mail”) (Strecher; column 2, lines 13-24, 60-62, column 4, lines 5-26, 34-48); and

wherein said part outputting health promotion information outputs said health promotion information by means suitable for one of said kinds of health promotion information (Strecher; column 2, lines 13-24, 60-62, column 4, lines 5-26, 34-48, column 5, lines 27-38).

(F) As per claims 3, 11 Strecher and Joao teach an apparatus and medium as analyzed and discussed in claims 2 and 10 above, said part outputting information used for interviewing said client comprising:

a part outputting question information for checking said level of readiness for change (Strecher; column 2, line 13 to column 3, line 1); and

a part determining said level of readiness for change according to a response to said question information and determining information to be output hereafter according to said level of readiness for change (Strecher; Figure 4, Figure 5, column 2, line 13 to column 3, line 26);



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wherein said health promotion practitioner support apparatus determines said health promotion information according to responses of said client (Strecher; Figure 4, Figure 5, column 2, line 13 to column 3, line 26, column 4, lines 52-66, column 5, lines 25-30).

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecher, U.S. Patent Number 5, 207, 580 and Joao, U.S. Patent Application Publication Number 2001/0032099, as applied to claims 1 and 9 above, and further in view of Rieger et al. article: "Development of an Instrument To Assess Readiness to Recover in Anorexia Nervosa." 2000. URL: <<http://www3.interscience.wiley.com/cgi-bin/fulltext/74000261/PDFSTART>>, hereinafter known as Rieger, for substantially the same reasons given in the previous Office Action (paper number 20061109). Further reasons appear hereinbelow.

(A) As per claims 4, 12, Strecher and Joao teach an apparatus and medium as analyzed and discussed in claims 1 and 9 above.

Strecher and Joao fail to explicitly disclose wherein said levels of readiness for change include an unconcerned stage, a precontemplation stage, a contemplation stage and a preparation stage.

However, Rieger teaches wherein said levels of readiness for change include an unconcerned stage (Examiner interprets Rieger's teaching of "*no thought of changing*" (Rieger; page 389, last paragraph) as reading on "unconcerned stage"), a precontemplation stage, a contemplation stage and a preparation stage (Rieger; page 389, last paragraph to page 391, first paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Strecher and Joao to include these limitations, as

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taught by Rieger, with the motivations of increasing the effectiveness of interventions designed to enhance motivation since “readiness to change predicts aspects of behavioral and attitudinal change” (Rieger; page 395, paragraph 4, page 388, paragraph 4).

The motivations for combining the respective teachings of Strecher and Joao are as given in the rejection of claim 17 above, and incorporated herein.

6. Claims 5-6, 8, 13-14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecher, U.S. Patent Number 5, 207, 580 and Joao, U.S. Patent Application Publication Number 2001/0032099, as applied to claims 1 and 9 above, and further in view of Douglass et al., U.S. Patent Number 6, 039, 688, for substantially the same reasons given in the previous Office Action (paper number 20061109). Further reasons appear hereinbelow.

(B) As per claims 5, 13, Strecher and Joao teach an apparatus and medium as analyzed and discussed in claims 1 and 9 above

wherein: said health promotion schedule is displayed as a screen of a calendar format on a display part of said health promotion practitioner support apparatus or on a terminal which can access said health promotion practitioner support apparatus (Strecher; Figure 1, Figure 5, Figure 5, column 2, lines 53-59, column 6, lines 1-12).

Strecher and Joao fail to explicitly disclose

a number of clients is displayed in each day of the calendar format if said clients should receive health promotion on said day, and health promotion details are displayed for each of said clients by selecting said day.

However, the above features are well-known in the art, as evidenced by Douglass.

In particular, Douglass teaches

a number of clients is displayed in each day of the calendar format if said clients should receive health promotion on said day, and health promotion details are displayed for each of said clients by selecting said day (Douglass; Figure 60, column 8, lines 55-64, column 9, line 50 to column 10, line 60, column 18, lines 26-64, column 21, lines 41-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Strecher and Joao to include these limitations, as taught by Douglass, with the motivations of providing a therapeutic program that could effectively motivate patients to modify their behavior and change their lifestyles to prevent or recover from ailments, and to enable physicians and their staffs to receive frequent feedback regarding patients' compliance with their programs (Douglass; column 1, line 61 to column 2, line 2).

The motivations for combining the respective teachings of Strecher and Joao are as given in the rejection of claim 17 above, and incorporated herein.

(C) As per claims 6, 8, 14, 16, Strecher, Joao and Douglass teach an apparatus and medium as analyzed and discussed in claims 1, 5, 9, 13 above

wherein data for forming said health promotion schedule includes histories of provided health promotion (Strecher; column 2, lines 42-52), and further comprising:

a part obtaining results of medical examination or tests (Douglass; column 2, lines 35-39); and

a part selecting clients for preventing a specific disease by using said results (Douglass; column 2, lines 35-46).

The motivations for combining the respective teachings of Strecher, Joao and Douglass are as given in the rejections of claims 17 and 5 above, and incorporated herein.

*Response to Arguments*

7. Applicant's arguments filed 20 April 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 20 April 2007.

(A) Applicant's arguments on pages 7-9 of the response filed 20 April 2007 with respect to the Cairnes reference have been considered but are moot in view of the new ground(s) of rejection.

(B) As per Applicant's argument in page 9-10 of the 20 April 2007 response that the Strecher reference fails to disclose "preparing a health promotion schedule of said client using scenarios that are read from said storing part in said reading operation and said data that is obtained in said obtaining operation," as recited in amended claim 1, Examiner respectfully disagrees. Examiner interprets Strecher's teachings of "the invention uses health risk and psychosocial information collected from the user of the process. This information is then preferably entered into a computer algorithm that uses the information to create tailored behavior change and adherence feedback" and "using these data," (reads on "a reading operation of reading a scenario from a storing part of the health practitioner support apparatus") the computer algorithm produces ... [...] ... single month calendar sheets or a series of date book pages ... [...] ... preferably include at least the months relevant to the health-related behavior change phases of

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the user. These calendar or date book sheets can be provided to the user at the same time or sequentially over the actual months of the year.” and Strecher’s teachings of “the monthly calendar or date book sheets contain specific instructions and advice associated with the history and patterns of the existing health-related behavior, motives to changing the health related behavior, the behavior change goal set, the specified dates for beginning the change, the phases of change, and barriers to changing the health-related behavior” (Strecher; column 2, line 40 to column 3, line 12) as teaching a form of “preparing a health promotion schedule of said client using scenarios that are read from said storing part in said reading operation and said data that is obtained in said obtaining operation.” Furthermore, Examiner notes that it was the Joao reference that was used to teach reading scenarios that were “standardized.”

Although it was the combined teachings of Strecher and Joao that were applied in the rejection of claim 1 under 35 USC § 103, Examiner notes that Applicant analyzes the applied references separately and argues each of the references individually.. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed Cir. 1986). In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to Applicant's "emphasis added" on page 10, paragraph 4, of the 20 April 2007 response, that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to Applicant's argument in pages 10-12 of the 20 April 2007 response that there is no suggestion to combine the references and that a *prima facie* case of obviousness has not been established, the Examiner notes that the motivations for combining the applied references can be found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Furthermore, the Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976).

Using this standard, the Examiner respectfully submits that the burden of presenting a *prima facie* case of obviousness has at least been satisfied, since evidence of corresponding claim elements in the prior art has been presented and since Examiner has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed

invention. Note, for example, the motivations explicitly stated at the paragraph bridging pages 5-6 above (i.e., " ... with the motivations of providing a "method for processing and/or for providing healthcare information ... [...] ... information will be provided, in a uniform manner, to a next or different provider..." (Joao; paragraph [0002]), [0005]), and at the first paragraph of page 9 above (i.e., " ... with the motivation of increasing the effectiveness of interventions ...") (Rieger; page 395, paragraph 4, page 388, paragraph 4).

Furthermore, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art would be motivated to make the proposed modifications. And although the motivation or suggestion to make modifications must be articulated, it is respectfully submitted that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969).

The Examiner is concerned that the Applicant apparently ignores the mandate of the numerous court decisions supporting the position given above. The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al* 192 USPQ 278 (CCPA) that:

- (i) obvious does not require absolute predictability;

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- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In *In re Conrad* 169 USPQ 170 (CCPA), obviousness is not based on express suggestion, but what references taken collectively would suggest.

In the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references is accompanied by select portions of the respective reference which specifically support that particular motivation. As such, it is NOT seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex parte Levengood* 28 USPQ 2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

As such, it is respectfully submitted that Applicant appears to view the applied references separately, without considering the knowledge of average skill in the art, and further fails to appreciate the breadth of the claim language that is presently recited.

Consequently, it is respectfully submitted that contrary to Applicant's allegations, the features that Applicant disputes are clearly within the teachings of the applied references and that



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Applicant fails to properly consider the clear and unmistakable teachings of the applied references, as illustrated above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references, Clark et al., U.S. Patent Application Publication Number 20040/215491, Meek et al., U.S. Patent Application Publication Number 2003/0195772, Burkley et al., U.S. Patent Application Publication Number 2004/0070515, Rosenfeld et al., U.S. Patent Number 6804656, Munoz et al., U.S. Patent Number 7149700, Meyer et al., U.S. Patent Number 6330541, Swift et al., U.S. Patent Number 5464742, and the articles teach the environment of promoting health.

Dugdale, J. et al., A Pragmatic Development of a Computer Simulation of an Emergency Call Centre. 2000. Designing Cooperative Systems. Frontiers in Artificial Intelligence and Applications. (Eds.) Rose Dieng et al. IOS Press. [Retrieved from Internet]. URLs: <<http://iihm.imag.fr/dugdale/coop2000.pdf>> and <<http://www.irit.fr/ACTIVITES/GRIC/ER/>>.

Functional Scenarios for the Red River Basin Disaster Information Network. 1999. RED RIVER BASIN DECISION INFORMATION NETWORK (RRBDIN). [Retrieved from Internet]. URL: <<http://www.rrbdin.org/communication/filebank/files/scenario.pdf>>.

9. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington D.C. 20231**

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or faxed to: (571) 273-8300.

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication. After Final communications should be labeled "Box AF."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

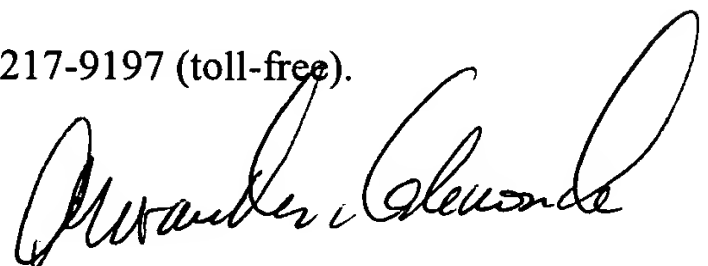
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Natalie A. Pass

July 6, 2007



ALEXANDER KALINOWSKI  
SUPERVISORY PATENT EXAMINER